

J. Joseph Bainton (JB-5934)  
Deana D. Ahn (DA-9532)  
BAINTON McCARTHY LLC  
*Attorneys for Plaintiff Desmond Fountain*  
26 Broadway, Suite 2400  
New York, New York 10004  
Tel. (212) 480-3500  
Fax (212) 480-9557

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
DESMOND FOUNTAIN,

Plaintiff,

- against -

08 Civ. 3285 (LAK) (THK)

**DECLARATION OF  
J. JOSEPH BAINTON**

BELROSE, INC.  
d/b/a BELROSE GALLERIES,

Defendant.

-----x

J. JOSEPH BAINTON, pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am a member of the bar of this Court and a member of the law firm of Bainton McCarthy LLC, attorneys for Plaintiff Desmond Fountain. I submit this declaration in support of Mr. Fountain's application for an award of statutory damages in the aggregate sum of \$700,000 against the defaulting defendant Belrose, Inc. ("Belrose") and an award of attorneys' fees and costs.

2. Attached hereto as Exhibit A is a true and correct copy of the Complaint.

3. Belrose failed to respond to the Complaint and Fountain sought a default judgment finding Belrose liable on each of Fountain's claims for copyright infringement, unfair competition and unjust enrichment. In connection with the motion for default judgment, Fountain also sought a permanent injunction to prevent Belrose from infringing Fountain's

copyrights in the future, an accounting of Belrose's illicit profits, attorneys' fees and costs, and trebling of damages due to Belrose's willful infringement of Fountain's copyrights.

4. Attached hereto as Exhibit B is a true and correct copy of Default Judgment, Permanent Injunction and Order for Other Relief dated July 2, 2008 (the "Order").

5. Attached hereto as Exhibit C is a true and correct copy of Order of Reference to a Magistrate Judge dated July 2, 2008 (the "Reference Order").

6. Attached hereto as Exhibit D is a true and correct copy of an affidavit of service dated July 9, 2008. The affidavit shows that copies of the Order and the Reference Order were delivered Belrose by personal service on July 8, 2008.

7. In contempt of the Order, Belrose has failed to produce its books and records, and therefore Fountain is left without any means of determining Belrose's profits.

8. In addition, a review of Belrose's website shows that unauthorized copies of Fountain's sculptures are still offered for sale despite the Order permanently enjoining and restraining Belrose from selling or listing for sale any of Fountain's works or any sculptural work that is confusingly similar to any of such works.

9. Attached hereto as Exhibit E is a collection of true and correct copies of print-outs showing images of piratical works infringing upon Mr. Fountain's copyrights. As of today, seven such items are shown on Belrose's website, namely, "Homework" as B164[1], "Interlude" as B143[1], "Sit Boy, Sit" as B165[1], "Linsay" as B136[1], "Daisy" as B523[1], "Bucketful" as B522[1], and "Matthew's Goose" as B701[1].

10. Mr. Fountain is in the process of seeking an order from Judge Kaplan ordering Belrose to show cause why it should not be held in contempt of the Order.

11. On April 1, 2008, Mr. Fountain informed me that an unauthorized copy of his bronze sculpture entitled "Homework" was being sold as "Girl Reading a Book" on eBay. Attached hereto as Exhibit F is a true and correct copy of a print-out from the eBay website dated April 1, 2008. By the time we became aware of this, the auction had ended and the item had been sold to a buyer for \$1,700.

12. Through a message function provided by eBay, I urged the buyer not to close on the transaction, which infringed upon Mr. Fountain's copyright. Attached hereto as Exhibit G is a true and correct copy of my message. The transaction was nonetheless processed.

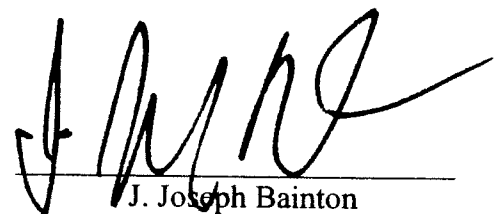
13. Belrose sold or offered for sale, at a minimum, seven of the Fountain Works. Attached hereto as Exhibit H is a true and correct copy of print-outs showing images of piratical works infringing upon Mr. Fountain's copyrights dated November 26, 2006. As shown in paragraph 9 above, the same piratical works are still being sold by Belrose.

14. Attached hereto as Exhibit I is a true and correct copy of a summary report of the electronic database contemporaneous time records of works performed by each attorney and paralegal with regard to this action, the date on which the work was performed, the hours expended by each attorney and paralegal, and the nature of the work performed.

15. Attached hereto as Exhibit J is a true and correct copy of an itemization of the costs and disbursements associate with this action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 15, 2008.

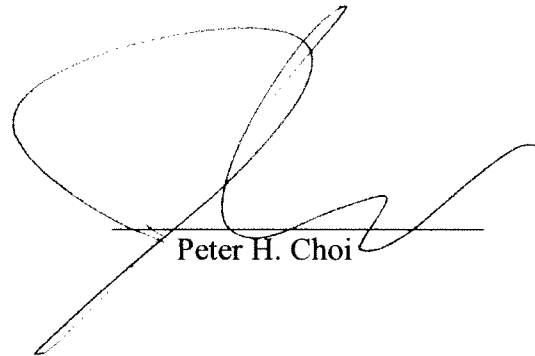


J. Joseph Bainton

**CERTIFICATE OF SERVICE**

I, Peter H. Choi, hereby certify that on August 15, 2008, a true and correct copy of the foregoing *Declaration of J. Joseph Bainton* was served on defendant Belrose, Inc. d/b/a Belrose Galleries via Federal Express addressed as follows:

Belrose, Inc.  
d/b/a Belrose Galleries  
1505 Boardwalk  
Atlantic City, New Jersey 08401



Peter H. Choi

# **EXHIBIT A**

08 CV 3285

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DESMOND FOUNTAIN,

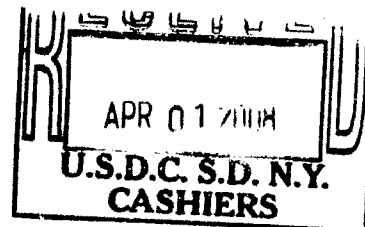
Plaintiff,

- against -

COMPLAINT

BELROSE, INC.  
d/b/a BELROSE GALLERIES,

Defendant.  
-----X



Plaintiff Desmond Fountain, by its attorneys Bainton McCarthy LLC, for his  
complaint against Defendant Belrose, Inc., avers:

#### **The Parties**

1. Plaintiff Desmond Fountain is a natural person and a citizen of Bermuda.
2. Defendant Belrose, Inc. ("Belrose") is a corporation organized under the laws of a state of the United States and maintains a place of business in Atlantic City, New Jersey.

#### **Nature of This Action**

3. In this action, Plaintiff seeks injunctive relief and money damages for direct or vicarious infringement of his copyrights in bronze sculptures that he created in Bermuda. Plaintiff also seeks monetary relief based upon Defendant's unfair competition and unjust enrichment.

#### **Jurisdiction and Venue**

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1332, and 1338. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

5. This Court has personal jurisdiction pursuant to CPLR 301 and 302 over Defendant for the following reasons:

A. Defendant regularly transacts business in New York via the internet and otherwise;

B. Defendant injured Plaintiff in New York and elsewhere by entering into transactions that infringed Plaintiff's copyrights and by unfairly competing with Plaintiff in New York and elsewhere;

C. Defendant derives substantial revenues from interstate and international commerce;

D. Plaintiff was injured by the loss of customers in New York and elsewhere; and

E. Defendant knew or should have known that its actions would have consequences in New York.

**Background of this Action**

6. Plaintiff is a world-renowned artist and sculptor.

7. Defendant is widely known as a seller of piratical goods.

**AS AND FOR A FIRST CLAIM  
(Copyright Infringement)**

8. Plaintiff repeats and reavers the averments of paragraphs 1 through 7 hereof.

9. Plaintiff owns the copyrights to the sculptural works "Homework," "Sit Boy, Sit," and "Matthew's Goose," which were created in Bermuda. Plaintiff also owns the copyrights in various other sculptural works, which were all created in Bermuda, expressed ultimately in bronze. These sculptural works are hereinafter referred to as the "Fountain Works."

10. Defendant has caused to be copied and has knowingly purchased for resale and sold piratical copies of the Fountain Works while knowing of Plaintiff's copyrights.

11. As a proximate and foreseeable result of willful copyright infringement by Defendant, Plaintiff has suffered monetary damages exceeding \$10 million.

**AS AND FOR A SECOND CLAIM  
(Unfair Competition)**

12. Plaintiff repeats and reavers the averments of paragraphs 1 through 11 hereof.

13. By reason of the foregoing, Defendant has competed unfairly with Plaintiff in derogation of the laws of the United States and New York.

14. Defendant's acts of unfair competition have damaged Plaintiff in amount exceeding \$10 million.

**AS AND FOR A THIRD CLAIM  
(Unjust Enrichment)**

15. Plaintiff repeats and reavers the averments of paragraphs 1 through 14 hereof.

16. By reason of Defendant's sales of piratical copies of the Fountain Works Defendant has been unjustly enriched in an amount exceeding \$10 million.



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Desmond Fountain respectfully demands that this Court enter judgment in its favor and against Defendant Belrose, Inc., as follows:

1. On his first claim, (a) permanently enjoining Defendant from infringing the Fountain Works pursuant to 17 U.S.C. § 502; (b) impounding and disposing of all infringing articles pursuant to 17 U.S.C. § 503; (c) awarding him his actual damages and Defendant's profits on its sales of infringing goods pursuant to 17 U.S.C. § 504; and (d) awarding him full costs and his attorneys' fees pursuant to 17 U.S.C. § 505.
2. On his second claim, awarding him such damages as shall be proven at trial;
3. On his third claim, awarding him the sum by which Defendant has been unjustly enriched as shall be determined at trial.
4. On all claims awarding him such other, further or different relief as to the Court may seem just and proper including the costs of this action.

Dated: New York, New York  
April 1, 2008

BAINTON MCCARTHY LLC

By: 

J. Joseph Bainton (JB-5934)

*Attorneys for Plaintiff*  
26 Broadway, Suite 2400  
New York, NY 10004-1840  
(212) 480-3500  
(212) 480-9557 (facsimile)

# **EXHIBIT B**

BAINTON MCCARTHY LLC  
J. Joseph Bainton (JB-5934)  
26 Broadway, Suite 2400  
New York, NY 10004  
(212) 480-3500  
(212) 480-9557 (fax)

*Attorneys for Plaintiff Desmond Fountain*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
DESMOND FOUNTAIN,

Plaintiff,

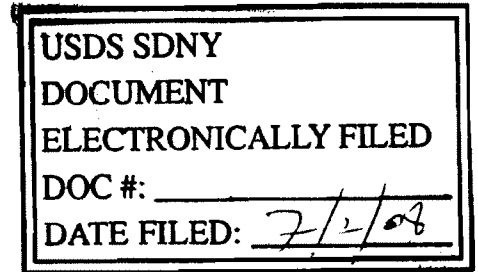
- against -


BELROSE, INC.  
d/b/a BELROSE GALLERIES,

Defendant.  
-----x

08 Civ. 3285 (LAK) (THK)

~~[Proposed]~~ **DEFAULT  
JUDGMENT, PERMANENT  
INJUNCTION AND ORDER  
FOR OTHER RELIEF**



This action having been commenced on April 1, 2008 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on Defendant, Belrose, Inc. d/b/a Belrose Galleries ("Belrose"), on April 7, 2008 by personal service on Charles Issacc, Managing Agent, at Belrose's place of business at 1505 Boardwalk, Atlantic City, New Jersey 08401, and a proof of service having been filed on April 11, 2008 and Belrose not having answered the Complaint, and the time for answering the Complaint having been expired, the Clerk of the Court having entered default as to Belrose on May 7, 2008, and Plaintiff Desmond Fountain ("Fountain") now seeking the entry of default judgment on all of his claims against Belrose pursuant to Federal Rule of Civil Procedure 55(b)(2), Plaintiff Fountain's Motion for the Entry of Default Judgment against Defendant Belrose is hereby GRANTED, and IT IS THEREFORE ORDERED, ADJUDGED AND  DEGREED as follows:

1. The Court has jurisdiction of the subject matter of this action and the persons of the parties hereto.

2. Venue lies properly with this District.

3. Plaintiff's Complaint states a claim upon which relief can be granted against Defendant under Section 501 of the Copyright Act, 17 U.S.C. § 501.

4. Defendant was properly served on April 7, 2008 pursuant to Federal Rule of Civil Procedure 4.

5. Defendant failed to answer or otherwise respond to this action within the time set forth in Federal Rule of Civil Procedure 12(a), and has otherwise failed to appear in this action either personally or by a representative.

6. The Clerk of Court, under Federal Rule of Civil Procedure 55(a), entered default as to the defendant on May 7, 2008.

7. Defendant is not a minor or an incompetent person.

8. Fountain is the owner of the copyrights of the sculptural works identified on Schedule A and corresponding images thereto (collectively the "Fountain Works").

9. Defendant has wrongfully and otherwise without authorization of Fountain entered into transactions that infringed Fountain's copyrights and by unfairly competing with Fountain.

10. Defendant has violated Section 106 of the Copyright Act, 17 U.S.C. § 106.

11. Defendant's activities have caused and continue to cause, in addition to monetary damages yet to be determined, irreparable harm to Fountain for which there is no adequate remedy at law.

12. Defendant is likely to continue to engage in the activities complained of in this action unless it is prohibited from doing so by order of the Court.

13. This Order is in addition to, and not in lieu of, other remedies as may be provided by law.

14. Plaintiff is entitled to judgment and a permanent injunction pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure.

15. Entry of this Order is in the public interest.

16. Effective immediately, defendant with its officers, agents, employees, associates, affiliates, successors or assigns, and all persons acting in concert with any of them, are permanently enjoined and restrained from:

- A. Selling or listing for sale any of the Fountain Works or any sculptural work that is confusingly similar to any of the Fountain Works;
- B. Holding themselves out as the owner of, or as an entity with authorization to sell, transfer, copy, or assign any of the Fountain Works;
- C. Performing any actions or using any words, names, styles, titles or works which are likely to cause confusion, to cause mistake or to deceive, or to otherwise mislead the public into believing that Fountain is a sponsor of defendant, or that defendant is in some manner affiliated or associated with or under the supervision and control of Fountain, or that the products and services of defendant originate with Fountain or are conducted or offered with the approval, consent or authorization, or under the supervision of Fountain, or are likely in any way to lead the public to associate defendant with Fountain;

- D. Using any word, name styles, titles or marks which create a likelihood of injury to the business reputation or goodwill of Fountain;
- E. Using any unfair trade practices which competes with or injures Fountain's reputation, the Fountain Works, and the goodwill associated therewith; and
- F. Directly or indirectly copying, publishing, reproducing, distributing, disseminating, performing, displaying or creating any works, including any derivative works of the Fountain Works, or any of them, in whole or in part, by any means in any media now known or hereafter developed in any time, place or fashion.

17. Fountain is the owner of certain copyrights with respect to sculptural works which are not listed under Schedule A hereto (the "Non-Listed Works"). With respect to any of the Non-Listed Works, defendant, including its officers, agents, employees, associates, affiliates, successors and assigns, and all persons acting in concert with any of them, are permanently enjoined and restrained from knowingly doing anything listed in subparagraphs A, B, C, D, E or F of Paragraph 16 above.

18. Defendant shall deliver up forthwith for destruction for any and all merchandise, labels, advertising, literature, packaging, promotional material, mechanicals, printing plates or other materials in its possession or control that bear any mark or designation, or content in violation of Fountain's rights as decreed herein or from which such merchandise, materials or packaging may be manufactured or created.

19. Defendant shall use its best efforts to recall from any and all channels of distribution any products and/or sales, advertising or promotional material distributed directly or

indirectly by defendant bearing any mark, symbol, designation, or content in violation of the injunction herein.

20. For the purposes of determining monetary damages, including without limitation recovery of Defendant's profits, and other monetary relief, including awarding Fountain his attorneys' fees and other costs of this action, the ~~Court shall conduct a hearing on a date to be determined by the Court.~~ *matter is referred to a magistrate judge.*

21. In contemplation of such a hearing, Defendant shall produce to Fountain its books and records within 30 days of the entry of this Default Judgment, Permanent Injunction and Order. *22. The Clerk shall terminate the motion for a default judgment.*

~~IT IS FURTHER ORDERED that, as there is no just reason for delay of entry of this judgment, under Federal Rule of Civil Procedure 54(b), the Clerk shall enter this Order immediately.~~

Dated: New York, New York  
July 2, 2008

  
U.S.D.J.

This document was entered on the docket on \_\_\_\_\_.

# **EXHIBIT C**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Plaintiff, *Deryond Fountas*

-v-  
Defendant. *Belrose, Inc*

ORDER OF REFERENCE  
TO A MAGISTRATE JUDGE

*08 cv 3285* (LAK) (THK)

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DOC #

DATE FILED: *7/2/08*

The above entitled action is referred to the designated Magistrate Judge for the following purpose(s):

☐ General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement)

☐ Specific Non-Dispositive Motion/Dispute:\*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If referral is for discovery disputes when the District Judge is unavailable, the time period of the referral: \_\_\_\_\_

☐ Settlement\*

☒ Inquest After Default/Damages Hearing

☐ Consent under 28 U.S.C. §636(c) for all purposes (including trial)

☐ Consent under 28 U.S.C. §636(c) for limited purpose (e.g., dispositive motion, preliminary injunction)  
Purpose: \_\_\_\_\_

☐ Habeas Corpus

☐ Social Security

☐ Dispositive Motion (i.e., motion requiring a Report and Recommendation)  
Particular Motion: \_\_\_\_\_

All such motions: \_\_\_\_\_

\*Do not check if already referred for general pretrial.

Dated *7/2/08*

SO ORDERED:

*[Signature]*  
United States District Judge

# **EXHIBIT D**



DESMOND FOUNTAIN

Plaintiff

Superior Court Of New Jersey

 vs.  
 BELROSE, INC. DBA BELROSE GALLERIES

Defendant

DISTRICT OF NY Venue

Person to be served (Name and Address):

 BELROSE, INC  
 1505 BOARDWALK  
 ATLANTIC CITY NJ 08401  
 By serving: BELROSE, INC

Docket Number: 08 CV 3285 (LAK)(THK)

**AFFIDAVIT OF SERVICE**

(For Use by Private Service)

Attorney: N/A

Cost of Service pursuant to R. 4:4-3(c)

\$ \_\_\_\_\_

 Papers Served: ORDER OF REFERENCE TO A MAGISTRATE JUDGE AND  
 THE EDORSED DEFAULT JUDGMENT

 Service Data: ☒ Served Successfully ☐ Not Served

Date/Time: 07/08/2008 03:04PM

☐ Delivered a copy to him/her personally
☐ Left a copy with a competent household member over 14 years of age  
 residing therein (indicate name & relationship at right)

☒ Left a copy with a person authorized to accept service, e.g. managing agent,  
 registered agent, etc. (indicate name & official title at right)

Attempts:

Date/Time: \_\_\_\_\_

Date/Time: \_\_\_\_\_

Date/Time: \_\_\_\_\_

Name of Person Served and relationship/title:

CHARLES ISAAC

MANAGING AGENT

**Description of Person Accepting Service:**

SEX: M AGE: 36-50 HEIGHT: 5'4"-5'8" WEIGHT: OVER 200 LBS. SKIN: BLACK HAIR: BLACK OTHER: \_\_\_\_\_

**Unserved:**

- ☐ Defendant is unknown at the address furnished by the attorney
- ☐ All reasonable inquiries suggest defendant moved to an undetermined address
- ☐ No such street in municipality
- ☐ Defendant is evading service
- ☐ No response on:

Date/Time: \_\_\_\_\_

Date/Time: \_\_\_\_\_

Date/Time: \_\_\_\_\_

Other:

**Served Data:**

Subscribed and Sworn to me this

9 \_\_\_\_\_ day of July \_\_\_\_\_, 2008

Notary Signature: JANIRA SANTIAGO VELEZ

JANIRA SANTIAGO VELEZ

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires April 24, 2012

Commission Expiration

I, CECELIA OBIE

 was at the time of service a competent adult, over  
 the age of 18 and not having a direct interest in the  
 litigation. I declare under penalty of perjury that the  
 foregoing is true and correct.

Signature of Process Server

7/9/2008

Date

Name of Private Server: CECELIA OBIE Address: 2009 Morris Avenue UNION, NJ 07083 Phone: (908) 687-0056

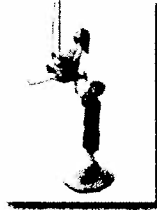
HW

# **EXHIBIT E**

# Bronze Children



**3239**  
375 X 500  
17 KB



**3253**  
375 X 500  
16 KB



**A-440**  
264 X 500  
28 KB



**A-611**  
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40 KB



**AN-11[1]**  
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20 KB



**B136[1]**  
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18 KB



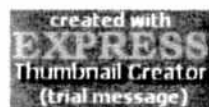
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22 KB



**B164[1]**  
500 X 375  
17 KB



**B165[1]**  
375 X 500  
19 KB



# Bronze Children



**B215[1]**  
313 X 500  
24 KB



**B291[1]**  
212 X 500  
15 KB



**B356[1]**  
232 X 500  
21 KB



**B471[1]**  
500 X 363  
35 KB



**B493[1]**  
302 X 500  
18 KB



**B522[1]**  
215 X 500  
16 KB



**B523[1]**  
331 X 500  
26 KB



**B526[1]**  
393 X 500  
31 KB



**B533[1]**  
413 X 500  
42 KB

created with  
**EXPRESS**  
Thumbnail Creator  
(trial message)

# Bronze Children



**B662[1]**  
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23 KB



**B685[1]**  
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19 KB



**B688[1]**  
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36 KB



**B691[1]**  
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22 KB



**B692[1]**  
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36 KB



**B700[1]**  
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32 KB



**B701[1]**  
480 X 500  
34 KB



**B704[1]**  
213 X 500  
21 KB



**B708[1]**  
328 X 500  
30 KB

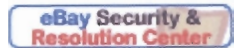
created with  
**EXPRESS**  
Thumbnail Creator  
(trial message)

# **EXHIBIT F**



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All Categories

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## LIFESIZE BRONZE GARDEN SCULPTURE GIRL READING A BOOK

Bidder or seller of this item? [Sign in](#) for your status**Bidding has ended for this item**

Buyer or seller of this item? Sign in for your status.

**Find more items from the same seller. Bid or Buy Now!**[LIFESIZE BRONZE GIRL FLUTE  
PLAYER MUSIC ART HISTORY](#)**Buy It Now**  
or Best Offer**US \$5,200.00**[LIFESIZE BRONZE GARDEN  
SCULPTURE OF BOY VIOLIN  
PLAYER](#)**Buy It Now****US \$5,500.00**[THE BEST MARBLE SCUL  
BUST OF A ROMAN STAT](#)**0 bids:****US \$1,995.00**

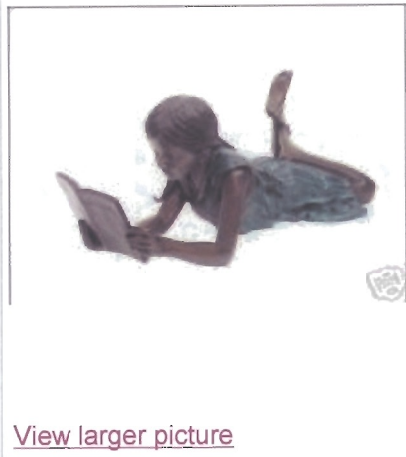
Time left:

**9d 19h 7m** [Visit seller's Store](#)**Additional options:**

- [Sell an item](#) like this one.

**Similar items from all eBay sellers**[Help](#)

| Item Name   | Price         | End Date               |
|---|---------------|------------------------|
| <a href="#">LIFESIZE BRONZE GARDEN SCULPTURE OF BOY VIOLIN PLAYER</a> | US \$5,500.00 | Apr-18-08 08:52:32 PDT |
| <a href="#">LIFESIZE BRONZE GIRL FLUTE PLAYER MUSIC ART HISTORY</a>   | US \$5,200.00 | Apr-18-08 08:52:30 PDT |
| <a href="#">Boisgontier Signed Bronze Sculpture</a>                   | US \$4,000.00 | Apr-14-08 22:09:44 PDT |
| <a href="#">Jennine Parker "Tantra" Ltd. Ed. Bronze Sculpture</a>     | US \$3,825.00 | Apr-09-08 20:47:54 PDT |



[View larger picture](#)

Sold for: **US \$1,700.00**

Auction ended early with Buy It Now.  
 Up to \$25 back with eBay MasterCard [Details](#)

Ended: **Apr-01-08 09:10:16 PDT**

Shipping costs: **US \$56.00**  
 UPS Ground  
 Service to [United States](#)

Ships to: Worldwide

Item location: Atlantic City, New Jersey, United States

History: [1 bid](#)


Buyer: [suchadeal!!!!](#) ( [214](#) ★ )

You can also: [Email to a friend](#)

Listing and payment details: [Show](#)


### Meet the seller

[belr](#)

Seller: 

Feedback: **98.6**

Member: since **Stal**

- [See details](#)
- [Ask seller a](#)
- [Add to Fav](#)
- View seller's
- Visit seller's  **BELROS**

### Buy safely

1. Check the  
 Score: 648  
[See details](#)

2. Check how  


Returns: [S](#)  
[7](#)

### Description [\(revised\)](#)

#### Item Specifics - Sculpture

Original/ --  
 Reproduction:  
 Listed By: --

Largest **2' - 5'**  
 Dimension:  
 Date of **2000-Now**  
 Creation:  
 Region of **Europe**  
 Origin:

Medium: **Bronze**  
 Subject: --

### BELROSE.COMANTIQUES



Visit my eBay Store:  [BELROSE.COMANTIQUES](#)

[EUROPEAN & AMERICAN BRONZES](#) |  
[INDOOR / OUTDOOR BRONZES](#) |  
[CHILDREN'S BRONZES](#) | [BRONZE FOUNTAINS](#) |  
[CAPODIMONTE](#)

[Add to Favorite Stores](#)

# LIFESIZE BRONZE GARDEN SCULPTURE GIRL READING A BOOK



SquareTrade © AP6.0

**LIFESIZE BRONZE STATUE FOR GARDEN,  
SALON, POOLSIDE, MUSIC  
CONSERVATORY, MUSIC SCHOOL,  
PERFORMING ARTS ACADEMY**

**BEAUTIFUL, SOLID, HEAVY LOST-WAX BRONZE WITH  
A LUXURIOUS MULTI COLOR ANTIQUE GREEN PATINA**

**DIMENSIONS: 39" x 14" x 18" H**

**CONDITION: PERFECT**

**THIS BRONZE STATUE CAN BE USED  
INDOOR OR OUTDOOR. LOOKS FANTASTIC  
POOL SIDE OR AS A CENTER PIECE ON A  
PORCH OR DRIVEWAY.**



OUR HUGE BRICK AND MORTAR GALLERY  
IS LOCATED ON THE WORLD FAMOUS  
ATLANTIC CITY BOARDWALK IN NEW  
JERSEY.







00048

[What's your Credit Score? 720? 650? Find Out From Experian.](#)

## Shipping and handling

**Ships to**  
Worldwide



| Country: <input type="text" value="United States"/> |               |                                     |                 |
|---|---------------|-------------------------------------|-----------------|
| Shipping and Handling                               | To            | Service                             | Insurance       |
| US \$56.00  | United States | UPS Ground<br>1 to 6 business days* | Included in S&H |

\*Sellers are not responsible for service transit time. This information is provided by the carrier and excludes weekends and holidays. Note that transit times may vary, particularly during peak periods.

## Return policy

|                                      |  |
|--------------------------------------|--|
| <b>Item must be returned within:</b> | 7 Days   |
| <b>Refund will be given as:</b>      | Merchandise Credit   |
| <b>Return policy details:</b>        | ALL RETURNS MUST BE MADE 7 DAYS FROM SHIP DATE. WE DO NOT REFUND CASH WE WILL GIVE YOU A MERCHANDISE CREDIT. PLEASE READ ALL AUCTION RULES BEFORE BIDDING. |

## Payment details

| Payment method   | Preferred/Accepted      | Buyer protection on eBay  |
|--|-------------------------|---|
| <br> | <b>Seller Preferred</b> | <b>PayPal</b> Up to <b>\$2,000</b> in buyer protection. <a href="#">See eligibility</a> |
| Money order/Cashiers check   | Accepted                | Not Available   |
| Personal check   | Accepted                | Not Available   |
| Visa/MasterCard, Amex, Discover  | Accepted                | See your card issuer's terms  |

[Learn about payment methods](#)

### Seller's payment instructions

PLEASE COMPLETE EBAY CHECKOUT. IF PAYING BY PERSONAL CHECK/MONEY ORDER, PLEASE INCLUDE PHONE# AND D.LICENSE#. CALL US TOLL FREE 877-523-5767 TO SECURELY PAY WITH YOUR CREDIT CARD! PLEASE SPECIFY IF HOME OR BUSINESS ADDRESS. NO P.O.BOXES PLEASE!! HAVE A HAPPY DAY!

## Other options

[Back to home page](#) | [Report this item](#) | [Printer Version](#) | [Sell one like this](#)

Seller assumes all responsibility for listing this item.

[eBay Pulse](#) | [eBay Reviews](#) | [eBay Stores](#) | [eBay Express](#) | [Reseller Marketplace](#) | [Austria](#) | [France](#) | [Germany](#) | [Italy](#) | [Spain](#) | [United Kingdom](#) | [Popular Searches](#)  
[Half.com](#) | [Tickets](#) | [Kijiji](#) | [PayPal](#) | [ProStores](#) | [Apartments for Rent](#) | [Shopping.com](#) | [Skype](#)

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[eBay official time](#)

# **EXHIBIT G**

**John G. McCarthy**

**From:** eBay Member: jmccarthy2qh6 [member@ebay.com]  
**Sent:** Tuesday, April 01, 2008 4:04 PM  
**To:** John G. McCarthy  
**Subject:** You've received a message from an eBay member



eBay sent this message to John McCarthy (jmccarthy2qh6).  
 Your registered name is included to show this message originated from eBay. [Learn more.](#)

### Message from eBay member, jmccarthy2qh6



Do not respond to the sender if this message requests that you complete the transaction outside of eBay. This type of offer is against eBay policy, may be fraudulent, and is not covered by buyer protection programs. [Learn More.](#)

#### User details:

**From User:** [jmccarthy2qh6 \(5\)](#)  
 100.0% Positive Feedback  
 Member since Sep-07-00 in United States  
 Location : NY, United States  
 Activity with jmccarthy2qh6 (last 90 days): I have bid on 0 items from jmccarthy2qh6  
 Activity with jmccarthy2qh6 (last 90 days): jmccarthy2qh6 has bid on 0 of my items

Dear suchadeal!!!!,

We are the attorneys for Desmond Fountain, who owns the copyrights in various sculptural works expressed in bronze.

We write regarding ?Girl Reading A Book? ? Item No. 150229616498 ? which you purchased on eBay earlier today (the ?Statue?). The Statue is a piratical copy of Mr. Fountain?s copyrighted sculptural work ?Homework.?

We urge you not to close on the transaction of the Statue, which infringes upon Mr. Fountain?s copyright. We intend to pursue Mr. Fountain?s claims against anyone who violates and impinges on Mr. Fountain?s rights.

Please do not hesitate to contact me.

Very truly yours,

J. Joseph Bainton  
 Bainton McCarthy LLC  
 26 Broadway, Suite 2400  
 New York, New York 10004  
 (212) 480-3500

- jmccarthy2qh6



#### Marketplace Safety Tip

- Second Chance Offer emails with the subject of "message from eBay Member" are fake. Real [Second Chance Offers](#) come directly from eBay and also appear in [My Messages](#) with a subject stating "You have a second chance offer..."
- Never pay for your eBay item using instant case wire transfer services through [Western Union](#) or [MoneyGram](#). These payment methods are unsafe when paying someone you don't know. [Learn more](#) about sending payments.
- Is this email inappropriate? Does it violate [eBay policy](#)? Help protect the Community by [reporting it](#).

4/1/2008



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[Learn More](#) to protect yourself from spoof (fake) emails.

Another eBay member sent this email to jmccarthy@baintonlaw.com through the eBay platform. eBay takes no liability for the sending of this email or its content

Visit our [Privacy Policy](#) and [User Agreement](#) if you have any questions.

You can [report this message](#) as unsolicited (spam/spoof) email.

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4/1/2008

# **EXHIBIT H**

# Bronze Children



**3239**  
375 X 500  
17 KB



**3253**  
375 X 500  
16 KB



**A-440**  
264 X 500  
28 KB



**A-611**  
360 X 500  
40 KB



**AN-11[1]**  
237 X 500  
20 KB



**B136[1]**  
375 X 500  
18 KB



**B143[1]**  
274 X 500  
22 KB



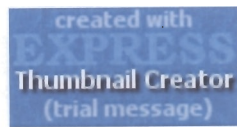
**B164[1]**  
500 X 375  
17 KB



**B165[1]**  
375 X 500  
19 KB

Bronze Children

11/26/2006 10:33 PM



# Bronze Children



**B215[1]**  
313 X 500  
24 KB



**B291[1]**  
212 X 500  
15 KB



**B356[1]**  
232 X 500  
21 KB



**B471[1]**  
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35 KB



**B493[1]**  
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18 KB



**B522[1]**  
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16 KB



**B523[1]**  
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26 KB



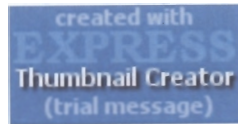
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31 KB



**B533[1]**  
413 X 500  
42 KB

Bronze Children

11/26/2006 10:34 PM



**Bainton McCarthy LLC****26 Broadway, Suite 2400****New York, New York 10004-1840****Invoice**

| DATE      | INVOICE # |
|-----------|-----------|
| 8/15/2008 | 4933      |

**BILL TO**

Mr. Desmond Fountain  
 PO Box FL317  
 Flatts FLBX  
 Bermuda

**MATTER**

Belrose, Inc.

| DATE      | ATTY | DESCRIPTION   | HRS          | RATE   | AMOUNT   |
|-----------|------|---|--------------|--------|----------|
| 3/31/2008 | JJB  | e-mail exchange and work on court papers; Internet factual research   | 1.8          | 590.00 | 1,062.00 |
| 4/1/2008  | PC   | Drafting Civil cover sheet and summons documents for newly opened matter. Check request for new complaint.  | 0.5          | 100.00 | 50.00    |
| 4/1/2008  | MTR  | Assist PC w/ prep of initiating documents; travel to courthouse to file materials w/ SDNY clerk.  | 1.4          | 100.00 | 140.00   |
| 4/1/2008  | DDA  | Review e-mails from D Fountain re copyright infringement; confs w/ JJB re same; review list of copyright registrations; draft complaint; conf w/ PHC re same; conduct online research re Belrose, Inc. and eBay activities; draft letter to purchaser of item on eBay; conf w/ JGM re same. | 4.5          | 265.00 | 1,192.50 |
| 4/1/2008  | JJB  | e-mail exchange; work on complaint  | 0.4          | 590.00 | 236.00   |
| 4/1/2008  | JGM  | Work with Deana concerning infringing item on sale on Ebay; research on Ebay; send note to successful bidder for infringing item  | 0.6          | 425.00 | 255.00   |
| 4/2/2008  | MTR  | Scan & organize file-stamped materials & e-mail to ECF clerk; review all materials filed.   | 0.4          | 100.00 | 40.00    |
| 4/2/2008  | DDA  | Conf w/ MTR re complaint and service; e-mail correspondence w/ JJB and D Fountain.  | 0.4          | 265.00 | 106.00   |
| 4/3/2008  | MTR  | E-mail client file-stamped copy of complaint per DDA's req; phone call to ECF clerk confirming receipt of materials & docket status; meet w/ DDA re case background and materials; print e-mails & attachments received from client for filing.   | 1.7          | 100.00 | 170.00   |
| 4/3/2008  | DDA  | e-mail correspondence w/ D Fountain re complaint; e-mail correspondence w/ MTR re service of same; conf w/ MTR re case.   | 1            | 265.00 | 265.00   |
| 4/4/2008  | MTR  | (General) Meet w/ DDA re possible copyright infringements pursuant to e-mails received from client; print & organize all e-mails and attachments for later review.  | 0.5          | 100.00 | 50.00    |
| 4/4/2008  | MTR  | T/C w/ process server re service of summons & complaint on defendant; draft ltr to server & make necessary copies for service; FedEx all items; conf w/ DDA re same.  | 1.1          | 100.00 | 110.00   |
|           |      |   | <b>Total</b> |        |          |

**Bainton McCarthy LLC****26 Broadway, Suite 2400****New York, New York 10004-1840****Invoice**

| DATE      | INVOICE # |
|-----------|-----------|
| 8/15/2008 | 4933      |

**BILL TO**

Mr. Desmond Fountain  
 PO Box FL317  
 Flatts FLBX  
 Bermuda

**MATTER**

Belrose, Inc.

| DATE      | ATTY | DESCRIPTION   | HRS          | RATE   | AMOUNT   |
|-----------|------|---|--------------|--------|----------|
| 4/8/2008  | MTR  | Inquire on status of service of summons & complaint via process server's website; e-mail exchange w/ DDA re same.   | 0.3          | 100.00 | 30.00    |
| 4/10/2008 | MTR  | Confirm service of Summons & Complaint on defendant w/ process server; verify executed summons on server's website; calendar date of response.  | 0.3          | 100.00 | 30.00    |
| 4/11/2008 | MTR  | Review Summons Returned Executed & all related materials received from process server; file Summons via court's ECF system.   | 0.5          | 100.00 | 50.00    |
| 4/15/2008 | DDA  | Teleconf w/ J Schweke re complaint; conf w/ JJB re same; review e-mails re cease & desist letters.  | 0.3          | 265.00 | 79.50    |
| 4/17/2008 | PC   | Attempting to fix GB printing issues.   | 0.4          | 100.00 | 40.00    |
| 4/17/2008 | MTR  | Scan & save to system various e-mails re sale of knockoffs.   | 0.4          | 100.00 | 40.00    |
| 4/28/2008 | PC   | Phone with Ken Taylor Designs re: B701, "Small boy with Dog" bronze statue. Printing color copy of ebay listing re: "Small boy with Dog" bronze statue.   | 0.3          | 100.00 | 30.00    |
| 4/28/2008 | DDA  | Conduct research re Ken Taylor Design; conf w/ PHC re products on website; e-mail correspondence w/ JJB re same.  | 1.9          | 265.00 | 503.50   |
| 4/28/2008 | DDA  | Review docket; draft entry of default papers; e-mail to JJB re status.  | 0.4          | 265.00 | 106.00   |
| 4/29/2008 | MTR  | Format PDF file of judge's individual rules for review in system folder.  | 0.2          | 100.00 | 20.00    |
| 5/2/2008  | MTR  | Review & calendar upcoming initial pre-trial conference pursuant to 4/30/08 Order.  | 0.2          | 100.00 | 20.00    |
| 5/2/2008  | DDA  | Review order for initial pretrial conference; e-mail to MTR re same.  | 0.1          | 265.00 | 26.50    |
| 5/6/2008  | MTR  | Print out latest docket via ECF for review per DDA's req; obtain cite from Lexis for research per DDA's req; research judge's individual rules re default judgment; t/c w/ orders & judgments clerk re procedural guidelines for filing DJ. | 1.3          | 100.00 | 130.00   |
| 5/6/2008  | DDA  | Work on entry of default papers; conf w/ JJB re same; conf w/ MTR re same.  | 4.2          | 265.00 | 1,113.00 |
|           |      |   | <b>Total</b> |        |          |

Taxpayer I.D. No. 13-4010813



**Bainton McCarthy LLC****26 Broadway, Suite 2400****New York, New York 10004-1840****Invoice**

| DATE      | INVOICE # |
|-----------|-----------|
| 8/15/2008 | 4933      |

**BILL TO**

Mr. Desmond Fountain  
 PO Box FL317  
 Flatts FLBX  
 Bermuda

**MATTER**

Belrose, Inc.

| DATE      | ATTY | DESCRIPTION   | HRS          | RATE   | AMOUNT |
|-----------|------|---|--------------|--------|--------|
| 5/7/2008  | MTR  | Travel to courthouse to obtain signature for 2 original clerk's certificates; file Request for Entry of Default, Aff in Support of JJB, & executed clerk's certificate via ECF per DJ guidelines.                             | 2.1          | 100.00 | 210.00 |
| 5/7/2008  | DDA  | Conf w/ MTR re entry of default; review papers re same.   | 0.4          | 265.00 | 106.00 |
| 5/8/2008  | DDA  | e-mail review re Jovanini Design; e-mail to and conf w/ MTR re same.  | 0.3          | 265.00 | 79.50  |
| 5/12/2008 | MDW  | confer with DDA; research and review motions for default judgment   | 1.3          | 165.00 | 214.50 |
| 5/12/2008 | DDA  | Work on motion for default judgment; conf w/ MDW re same; review Local Rules re same.   | 2.1          | 265.00 | 556.50 |
| 5/13/2008 | MTR  | Conf w/ MDW re default judgment process to date.  | 0.2          | 100.00 | 20.00  |
| 5/13/2008 | MDW  | review facts and begin draft of motion for entry of default   | 2            | 165.00 | 330.00 |
| 5/13/2008 | DDA  | Draft notice of notice for default judgment and proposed default judgment, permanent injunction and order for other relief; review supporting documents.  | 2.8          | 265.00 | 742.00 |
| 5/14/2008 | MDW  | research default judgment motions in copyright cases  | 0.9          | 165.00 | 148.50 |
| 5/15/2008 | MTR  | Review rules re procedure concerning service of Notice of Entry of Default Judgment & related materials; research cease & desist correspondence btwn I. Lechner & Belrose; conf w/ DDA re same; e-mail to I. Lechner re same. | 1.4          | 100.00 | 140.00 |
| 5/15/2008 | DDA  | Work on motion for default judgment; e-mail to MTR re cease and desist letters and other supporting documents.  | 3            | 265.00 | 795.00 |
| 5/16/2008 | MTR  | Review e-mails and attachments received from I. Lechner containing cease & desist letters & related materials.  | 0.6          | 100.00 | 60.00  |
| 5/16/2008 | MDW  | finalize draft memo   | 2.5          | 165.00 | 412.50 |
| 5/16/2008 | DDA  | Work on motion for default judgment; review draft memorandum of law in support of the same.   | 3.1          | 265.00 | 821.50 |
| 5/19/2008 | MTR  | E-mail to I. Lechner re Cease & Desist correspondence btwn her & Joe Belrose; review new materials received from I. Lechner; conf w/ DDA re same.   | 0.6          | 100.00 | 60.00  |
| 5/19/2008 | DDA  | Work on papers re motion for default judgment.  | 2.9          | 265.00 | 768.50 |
| 5/20/2008 | DDA  | Work on papers re motion for default judgment.  | 3.2          | 265.00 | 848.00 |
|           |      |   | <b>Total</b> |        |        |

Taxpayer I.D. No. 13-4010813

**Bainton McCarthy LLC****26 Broadway, Suite 2400****New York, New York 10004-1840****Invoice**

| DATE      | INVOICE # |
|-----------|-----------|
| 8/15/2008 | 4933      |

**BILL TO**

Mr. Desmond Fountain  
 PO Box FL317  
 Flatts FLBX  
 Bermuda

**MATTER**

Belrose, Inc.

| DATE      | ATTY | DESCRIPTION   | HRS          | RATE   | AMOUNT |
|-----------|------|---|--------------|--------|--------|
| 5/21/2008 | MTR  | E-mail to I. Lechner re Cease & Desist correspondence btwn her & Joe Belrose; review new materials received from I. Lechner; conf w/ DDA re same.   | 1.8          | 100.00 | 180.00 |
| 5/22/2008 | MTR  | Meet w/ DDA re cease & desist letters.  | 0.2          | 100.00 | 20.00  |
| 5/22/2008 | DDA  | Work on papers re motion for default judgment.  | 3.5          | 265.00 | 927.50 |
| 5/27/2008 | MDW  | edit draft default judgment memo  | 0.3          | 165.00 | 49.50  |
| 5/27/2008 | DDA  | Work on papers re motion for default judgment; e-mail to MDW re draft proposed default judgment.  | 1            | 265.00 | 265.00 |
| 5/28/2008 | DDA  | Conf w/ JJJ re initial conference and status of matter; work on papers re motion for default judgment; e-mail exchange and teleconf w/ A Mohan re initial conference and motion for default judgment; conf w/ JJB re same.  | 2.3          | 265.00 | 609.50 |
| 5/28/2008 | MTR  | Review Corres. btwn judge's clerk & DDA re upcoming conference; conf w/ DDA re same; update calendar re conf & due date for Default Judgment papers.  | 0.3          | 100.00 | 30.00  |
| 5/29/2008 | DDA  | Work on papers re motion for default judgment.  | 1            | 265.00 | 265.00 |
| 6/4/2008  | JJJ  | Review papers in support of motion for judgment by default  | 0.6          | 590.00 | 354.00 |
| 6/4/2008  | DDA  | Work on papers re motion for default judgment; draft declaration of JJB.  | 2.7          | 265.00 | 715.50 |
| 6/4/2008  | DDA  | (Jovanini) Review and revise draft complaint.   | 1            | 265.00 | 265.00 |
| 6/5/2008  | DDA  | Finalize papers re motion for default judgment; conf w/ JJB re same; confs w/ MTR re same; review individual motion practices of Judge Kaplan; draft letter to Judge Kaplan re courtesy copies.   | 2.8          | 265.00 | 742.00 |
| 6/5/2008  | MTR  | Research final stages of Default Judgment procedure pursuant to our purposes; t/c w/ clerk re same & possible fees; review & prep Declaration of JJB, Notice of Motion, and Memo of Law; organize multiple exhibits & scan all materials for ECF filing; draft Cert of Service; prep & bind courtesy copies for Judge & for service on defendant; coordinate w/ GB on prep of color copies of exhibits. | 2.9          | 100.00 | 290.00 |
|           |      |   | <b>Total</b> |        |        |

Taxpayer I.D. No. 13-4010813

**Bainton McCarthy LLC****26 Broadway, Suite 2400****New York, New York 10004-1840****Invoice**

| DATE      | INVOICE # |
|-----------|-----------|
| 8/15/2008 | 4933      |

**BILL TO**

Mr. Desmond Fountain  
 PO Box FL317  
 Flatts FLBX  
 Bermuda

**MATTER**

Belrose, Inc.

| DATE      | ATTY | DESCRIPTION   | HRS          | RATE   | AMOUNT |
|-----------|------|---|--------------|--------|--------|
| 6/6/2008  | DDA  | e-mail exchange and confs w/ MTR re filing of motion for default judgment.  | 0.3          | 265.00 | 79.50  |
| 6/6/2008  | MTR  | T/c w/ ECF clerk re file size limitations; re-size & format multiple smaller PDF files for exhibit A pursuant to clerk's instructions; insert exhibit tabs in all exhibits; file all Default Judgment materials via ECF; travel to courthouse to drop off courtesy copies of DJ papers. | 2.2          | 100.00 | 220.00 |
| 6/19/2008 | DDA  | Conf w/ JJB re status of default judgment motion; call to chambers re same.   | 0.2          | 265.00 | 53.00  |
| 6/25/2008 | DDA  | Teleconf w/ A Mohan re status of motion for default judgment; e-mail exchange w/ JJB re same.   | 0.2          | 265.00 | 53.00  |
| 7/2/2008  | DDA  | Review Order referring default judgment matter to Magistrate Judge; conf w/ MDW re same.  | 0.2          | 265.00 | 53.00  |
| 7/3/2008  | MTR  | Review Order of Reference to Magistrate Judge & Default Judgment, Injunction, Order for Relief; conf w/ DDA re same; t/c w/ Orders & Judgment clerk re same; t/c w/ Guaranteed Subpoena Service; draft letter & prep materials & transmit to process server.                            | 0.8          | 100.00 | 80.00  |
| 7/3/2008  | DDA  | Review default judgment and permanent injunction; conf w/ JJB and MTR re same.  | 0.5          | 265.00 | 132.50 |
| 7/9/2008  | MTR  | Confirm default judgment papers had been served on defendants; calendar upcoming deadlines discusses in DJ.   | 0.3          | 100.00 | 30.00  |
| 7/9/2008  | DDA  | Conf and e-mail ex w/ MTR re service of default judgment, permanent injunction, and referral to magistrate upon defendant.  | 0.1          | 265.00 | 26.50  |
| 7/24/2008 | DDA  | Review letter from Magistrate Judge Katz re inquest on damages; conf w/ JJB and JJB re same.  | 0.4          | 265.00 | 106.00 |
| 7/24/2008 | MTR  | Review & file letter from Judge Katz to all parties re damages; calendar upcoming deadlines specified in letter.  | 0.2          | 100.00 | 20.00  |
| 7/25/2008 | DDA  | e-mail and conf w/ MTR re default judgment papers; review same.   | 0.9          | 265.00 | 238.50 |
|           |      |   | <b>Total</b> |        |        |

Taxpayer I.D. No. 13-4010813

**Bainton McCarthy LLC****26 Broadway, Suite 2400****New York, New York 10004-1840****Invoice****DATE**

8/15/2008

**INVOICE #**

4933

**BILL TO**Mr. Desmond Fountain  
PO Box FL317  
Flatts FLBX  
Bermuda**MATTER**

Belrose, Inc.

| DATE      | ATTY | DESCRIPTION  | HRS          | RATE   | AMOUNT |
|-----------|------|--|--------------|--------|--------|
| 7/25/2008 | MTR  | Prep copies of all Default Judgment Papers & Judge Katz's letter outlining format for inquest and damage claims for review by DDA.   | 0.3          | 100.00 | 30.00  |
| 7/28/2008 | MTR  | Retrieve & organize information re infringements by defendant; investigate possible continued sale on various websites run by defendant of piratical works; save images of various infringements listed on defendant's site Belrose.com. | 1.7          | 100.00 | 170.00 |
| 7/29/2008 | MTR  | Organize info & draft tabled list of all correspondence relating to cease and desist efforts and sale of infringements & tabled list of infringements found on defendant's website; submit to DDA for review.                            | 1.5          | 100.00 | 150.00 |
| 7/30/2008 | DDA  | e-mail to MTR re statutory damages.  | 0.1          | 265.00 | 26.50  |
| 7/30/2008 | MTR  | Retrieve and prep copy of memo in support of motion for summary judgment in Pearson v. Liao action to assist DDA w/ research re statutory damages.   | 0.2          | 100.00 | 20.00  |
| 8/1/2008  | DDA  | Conf w/ MTR re damages; review work product re same.   | 0.2          | 265.00 | 53.00  |
| 8/4/2008  | DDA  | Conf w/ MTR re file; review same; review e-mails from D Fountain re copyright registration certificates.   | 0.3          | 265.00 | 79.50  |
| 8/5/2008  | MDW  | confer with DDA re damages memo; review Ct Order re default judgment; review other case filings; review copyright act section on damages   | 1            | 165.00 | 165.00 |
| 8/5/2008  | DDA  | Conf w/ MDW re statutory damages; review statute re same; review file.   | 0.8          | 265.00 | 212.00 |
| 8/6/2008  | MDW  | research copyright damages; draft findings of fact and conclusions memo re damages; confer with DDA re same  | 4            | 165.00 | 660.00 |
| 8/7/2008  | MDW  | research copyright damages; draft findings of fact and conclusions memo re damages; confer with DDA re same  | 4.5          | 165.00 | 742.50 |
| 8/7/2008  | DDA  | Conf w/ MTR re certificates of copyright registration; e-mail ex re same; conf w/ MDW re proposed findings re damages; review draft of same; e-mail ex/ D Fountain; e-mail to AKM re attorneys' fees and costs.                          | 0.9          | 265.00 | 238.50 |
| 8/11/2008 | MDW  | research range of statutory damages  | 1.3          | 165.00 | 214.50 |
|           |      |  | <b>Total</b> |        |        |

Taxpayer I.D. No. 13-4010813

**Bainton McCarthy LLC****26 Broadway, Suite 2400****New York, New York 10004-1840****Invoice**

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| 8/15/2008 | 4933      |

**BILL TO**

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PO Box FL317  
Flatts FLBX  
Bermuda

**MATTER**

Belrose, Inc.

| DATE      | ATTY | DESCRIPTION   | HRS          | RATE   | AMOUNT |
|-----------|------|---|--------------|--------|--------|
| 8/11/2008 | DDA  | Conf w/ MDW re proposed findings re damages; work on same.  | 1.1          | 265.00 | 291.50 |
| 8/12/2008 | MDW  | finish researching and review case law dealing with statutory damage assessments and judicial discretion; confer with DDA re same   | 2            | 165.00 | 330.00 |
| 8/12/2008 | DDA  | Work on proposed findings re damages; conf w/ MDW re same; e-mail to JJB re same.   | 3.1          | 265.00 | 821.50 |
| 8/12/2008 | MTR  | Conf w/ DDA re proposed findings and conclusions for damages; organize & print copies of all cease and desist correspondence & additional materials received from I. Lechner; copy for file & scan proof of service upon defendant for the endorsed Def Judge papers & Order of Ref to Mag Judge; for review by DDA.  | 0.6          | 100.00 | 60.00  |
| 8/13/2008 | MTR  | Conf w/ DDA re damages research for Plaintiff's proposed findings & conclusions; review Judge Katz's 7/22/08 letter outlining format protocols; conf w/ PC re Wordperfect formatting; organize & multiple copies of all materials to be used as exhibits to Dec of JJB re damages including color copies of specified items; review draft Memo of re Damages; save & re-label PDF images of all for later ECF filing by PC. Conf w/ MDW re attorneys fees chart draft; review time entries, calculate hours worked for all firm members & input data into chart. Review Price List received from client; e-mail w/ DDA re same. | 3.8          | 100.00 | 380.00 |
| 8/13/2008 | MDW  | confer with DDA re draft changes to inquest memo; review and edit inquest memo; confer with MTR re attorneys fees and costs in this matter for damages memo; confer with DDA re same  | 1.5          | 165.00 | 247.50 |
| 8/13/2008 | PC   | Discussion with MTR with filing for Friday. Research wordperfect/ms word conversion issue.  | 0.2          | 100.00 | 20.00  |
|           |      |   | <b>Total</b> |        |        |

Taxpayer I.D. No. 13-4010813

**Bainton McCarthy LLC****26 Broadway, Suite 2400****New York, New York 10004-1840****Invoice**

| DATE      | INVOICE # |
|-----------|-----------|
| 8/15/2008 | 4933      |

**BILL TO**

Mr. Desmond Fountain  
 PO Box FL317  
 Flatts FLBX  
 Bermuda

**MATTER**

Belrose, Inc.

| DATE      | ATTY | DESCRIPTION   | HRS          | RATE   | AMOUNT             |
|-----------|------|---|--------------|--------|--------------------|
| 8/13/2008 | DDA  | Work on proposed findings re damages; conf w/ MDW re same; conf and e-mail ex w/ MTR re same; conf w/ JGM re same; e-mail ex w/ D Fountain re same and declaration; review cases in support of same; review summaries re attorneys' fees and costs; e-mail to JJB re draft proposed findings.   | 6            | 265.00 | 1,590.00           |
| 8/13/2008 | JJB  | Work on Damages Papers  | 0.9          | 590.00 | 531.00             |
| 8/14/2008 | PC   | Reviewing draft of D. Fountain Decl.<br>Organizing/copying/scanning updated exhibits for D. Fountain Decl.  | 1.5          | 100.00 | 150.00             |
| 8/14/2008 | DDA  | Work on proposed findings re damages; e-mail ex and teleconf w/ D Fountain re same; conf w/ JJB re same; conf w/ PHC re same; review website of Belrose; call to Belrose re items offered for sale on its website; work on order to show cause; draft declaration re same; conf w/ MDW re same. | 7.3          | 265.00 | 1,934.50           |
| 8/14/2008 | MDW  | confer with DDA re damages memo; review case law re civil contempt; draft memo for order to show cause to hold Belrose in contempt; confer with DDA re same   | 2.5          | 165.00 | 412.50             |
| 8/15/2008 | DDA  | Finalize proposed findings and supporting papers re damages; conf w/ PHC re same; review draft memo in support of order to show cause; conf w/ MDW re same; conf w/ JJB; draft letter to Judge Katz re courtesy copies of damages papers.   | 4            | 265.00 | 1,060.00           |
| 8/15/2008 | PC   | Starting organization/printing/copying/scanning exhibits of D. Fountain Decl., JJB Decl., DDA Decl. Drafting table of contents for memo re: damages. Drafting Certs of Service for each court paper being filed.  | 3.8          | 100.00 | 380.00             |
| 8/15/2008 | JJB  | Work on damages submission; work on osc and related papers re contempt  | 2.9          | 590.00 | 1,711.00           |
| 8/15/2008 | MDW  | Finalize Damages Memo with DDA; Finalize Order to Show Cause and Accompanying Memo with DDA; review costs and fees  | 1.9          | 165.00 | 313.50             |
|           |      | Subtotal of Fees  |              |        | 31,007.00          |
|           |      |   | <b>Total</b> |        | <b>\$31,007.00</b> |

Taxpayer I.D. No. 13-4010813



**Bainton McCarthy LLC****26 Broadway, Suite 2400****New York, New York 10004-1840****Invoice**

| DATE      | INVOICE # |
|-----------|-----------|
| 8/15/2008 | 4934      |

**BILL TO**

Mr. Desmond Fountain  
 PO Box FL317  
 Flatts FLBX  
 Bermuda

**MATTER**

Belrose, Inc.

| DATE      | ATTY       | DESCRIPTION  | HRS | RATE   | AMOUNT   |
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|           | Reimb G... |  |     |        |          |
| 4/1/2008  |            | Filing fee to file New Complaint   |     | 350.00 | 350.00   |
| 4/8/2008  |            | Fee to serve Summons and Complaint on 4/7/2008 to Belrose, Inc.                        |     | 79.95  | 79.95    |
| 4/21/2008 |            | Fed Ex Delivery Charges - BM LLC NY to Guaranteed Subpoena Service Union, NJ           |     | 10.01  | 10.01    |
| 4/30/2008 |            | On-line database search from Lexis Nexis-April 2008                                    |     | 57.16  | 57.16    |
| 5/10/2008 |            | LD Telephone or Fax Charges - April 2008   |     | 0.48   | 0.48     |
| 6/6/2008  |            | On-line database search from Lexis Nexis- May 2008                                     |     | 57.15  | 57.15    |
| 6/30/2008 |            | Postage Charges for June 2008  |     | 4.80   | 4.80     |
| 7/3/2008  |            | Cost to have color images duplicated and printed                                       |     | 528.14 | 528.14   |
| 7/7/2008  |            | PACER federal court docket research  |     | 3.36   | 3.36     |
| 7/9/2008  |            | Fee to serve Summons and Complaint on 7/8/2008 to Belrose, Inc.DBA Belrose Galleries   |     | 84.95  | 84.95    |
| 8/13/2008 |            | Outside Copy Service for color copies of Schedule A images foruse w/proposed findings. |     | 250.60 | 250.60   |
|           |            | Total Reimbursable Expenses  |     |        | 1,426.60 |
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